

EXHIBIT 23

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VIA EMAIL
CONFIDENTIAL

Mark Thomson, Esq.
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4600 IDS Center, 80 S. 8th Street
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Re: *Reetz v. Lowe's Companies, Inc., et. al.*, No. 5:18-cv-75-KDB-DCK

Dear Mark:

We write in response to your November 12, 2020 email regarding our June 19, 2020 privilege log.

Following our meet and confer, your November 12, 2020 email identified 57 privilege log entries that you claimed are or are likely to be subject to the fiduciary exception. You organized your list of these documents into three groups, plus some additional documents left ungrouped: (1) withheld emails generated prior to the Complaint in this case for which the Privilege Basis is "personal and entity potential liability of plan fiduciaries"; (2) withheld emails generated prior to the Complaint in this case for which the Privilege Basis is "pending ERISA litigation"; and (3) withheld emails for which the Privilege Basis is "ERISA case law."

AHIC has gone back and analyzed again all 57 documents. On further review, AHIC is willing to drop its privilege claim and/or produce subject to the fiduciary exception eight documents. AHIC has found that the remaining 49 documents are appropriately withheld as privileged and not subject to the fiduciary exception. We are providing with this letter as Exhibits A–D supplemental information regarding the bases for privilege for the 49 documents and in particular, why they are not subject to the fiduciary exception.

We trust that this addresses your outstanding concerns about AHIC's June 19, 2020 privilege log. Should you wish to discuss any of these issues further, we remain available to meet and confer.

Very truly yours,

/s/ Jeffrey A. N. Kopczynski

Jeffrey A. N. Kopczynski

CC: Lars C. Golumbic
F. Hill Allen
Mark Andrew Nebrig
Michael G. Adams

Exhibit A
Unlabeled group of documents

Privilege Log Number (Bates Number)	Privilege Basis on AHIC's Privilege Log	Additional Notes
AON-PRIV-00337 (AON-LOW-00063955)	Redacted confidential email containing legal advice from in-house counsel Ted Novy, Esq. regarding response to a news story.	This document reflects legal advice regarding [REDACTED] Such material is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-00579 (AON-LOW-00089958)	Redacted confidential presentation attached to email and providing legal advice from in-house counsel Neal Desai, Esq. regarding training for Board of Directors.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-00422 (AON-LOW-00073452)	Redacted confidential email requesting and providing legal advice from in-house counsel Jim Flynn, Esq. regarding amendment of 401(K) plan agreement.	This document reflects legal advice regarding [REDACTED] Such advice sought regarding the scope of AHIC's services is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-00879 (AON-LOW-00126988)	Redacted confidential email discussing legal advice from AHIC Legal Department regarding performance reporting.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.

AON-PRIV-00485 (AON-LOW-00074847)	Redacted confidential email containing legal advice from the AHIC Legal Department regarding amendment of 401(K) plan agreement.	This document reflects legal advice regarding [REDACTED]. Such advice sought regarding the scope of AHIC's services is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01895 (AON-LOW-00213495)	Confidential email forwarding legal advice from outside counsel Andrew Shaw, Esq. (Sidley Austin) regarding draft Trustee presentation.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01915 (AON-LOW-00220495)	Confidential email seeking legal advice from in-house counsel Steve Catlett, Esq. regarding performance reporting.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-00414 (AON-LOW-00072634)	Redacted confidential email forwarding legal advice from in-house counsel Ted Novy, Esq. regarding ERISA litigation strategy.	This document was inadvertently designated as "regarding ERISA litigation strategy." This document reflects legal advice regarding [REDACTED]. Such material is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01962	Confidential email attached to email and requesting legal advice from in-house counsel Cindy Milstead, Esq. regarding AHIC fee structure.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration. Indeed, this document predates the Plan's investment in the AHCIT.

AON-PRIV-00890 (AON-LOW-00213490)	Confidential email requesting legal advice from in-house counsel Jim Flynn, Esq. regarding performance reporting.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration. Indeed, this document predates the Plan's investment in the AHICIT.
AON-PRIV-01020	Confidential email attached to email and containing legal advice from in-house counsel Jim Flynn, Esq. regarding performance reporting.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration. AHIC has produced a version of this document to Plaintiff in another context, but is withholding as privileged the specific legal input given.
AON-PRIV-01242	Confidential email containing legal advice from in-house counsel Susan Haery, Esq. regarding performance reporting.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01460	Confidential email forwarding legal advice from AHIC Legal Department regarding performance reporting.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.

AON-PRIV-01720	Confidential email providing information at the request of in-house counsel Jim Flynn, Esq. regarding performance reporting.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01737	Confidential email providing information at the request of AHIC Legal Department regarding performance reporting.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01890 (AON-LOW-00213490)	Confidential email seeking legal advice from in-house counsel Jim Flynn, Esq. regarding performance reporting.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-00837 (AON-LOW-00124226)	Confidential presentation attached to email and containing legal advice from AHIC Legal Department regarding 401(k) plan design.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration. AHIC has produced a version of this presentation to Plaintiff in another context, but is withholding as privileged the specific legal input given.

Exhibit B

Withheld emails generated prior to the Complaint in this case for which the Privilege Basis is "personal and entity potential liability of plan fiduciaries"

Privilege Log Number (Bates Number)	Privilege Basis	Notes
AON-PRIV-00647	Confidential email requesting legal advice from in-house counsel Christopher Douglass, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-00776	Confidential email seeking legal advice from AHIC Legal Department regarding personal and entity potential liability of plan fiduciaries.	This document requests legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-00792	Confidential email containing legal advice from outside counsel Sidley Austin regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-00834 (AON-LOW-00123731)	Confidential email seeking legal advice from AHIC Legal Department regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.

AON-PRIV-00854	Confidential email seeking legal advice from in-house counsel Gregg Killoren, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document requests legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01126	Confidential email containing legal advice from in-house counsel Gregg Killoren, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED]. Such material is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01197	Confidential email seeking legal advice from in-house counsel Gregg Killoren, Esq. and Cindy Milstead, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document requests legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01201	Confidential email forwarding legal advice from AHIC Legal Department regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01221 (AON-LOW-00141332)	Confidential email seeking legal advice from AHIC Legal Department regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.

AON-PRIV-01255	Confidential email seeking legal advice from in-house counsel Jim Flynn, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document requests legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01256	Confidential email seeking legal advice from in-house counsel Jim Flynn, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document requests legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01370	Confidential email containing legal advice from in-house counsel Jim Flynn, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01582	Confidential email containing legal advice from in-house counsel Emily Kenna, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01583	Confidential email containing legal advice from in-house counsel Emily Kenna, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.

AON-PRIV-01722	Confidential email requesting legal advice from in-house counsel Gregg Killoren, Esq., Jim Flynn, Esq., and Ted Novy, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01733	Confidential email containing legal advice from in-house counsel Cindy Milstead, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01735	Confidential email containing legal advice from in-house counsel Cindy Milstead, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration. AHIC has produced a version of this presentation to Plaintiff in another context, but is withholding as privileged the specific legal input given.
AON-PRIV-01746	Confidential email containing legal advice from in-house counsel Cindy Milstead, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration. AHIC has produced a version of this presentation to Plaintiff in another context, but is withholding as privileged the specific legal input given.

AON-PRIV-01829	Confidential email containing legal advice from in-house counsel Cindy Milstead, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration. AHIC has produced a version of this presentation to Plaintiff in another context, but is withholding as privileged the specific legal input given.
AON-PRIV-01845	Confidential email containing legal advice from in-house counsel Cindy Milstead, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01870	Confidential email forwarding legal advice from AHIC Legal Department regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01926	Confidential email containing legal advice from in-house counsel Susan Haery, Esq. regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01971	Confidential email forwarding legal advice from AHIC Legal Department regarding personal and entity potential liability of plan fiduciaries.	This document reflects legal advice regarding [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.

Exhibit C

Withheld emails generated prior to the Complaint in this case for which the Privilege Basis is "pending ERISA litigation"

Privilege Log Number	Privilege Basis	Notes
AON-PRIV-00157	Confidential email requesting legal advice from in-house counsel Jim Flynn, Esq. and Cindy Milstead, Esq. regarding ERISA litigation strategy.	This document was inadvertently designated as "regarding ERISA litigation strategy." This document reflects ERISA-related legal advice [REDACTED] Such material is not sought in a fiduciary capacity to the Plan and does not involve Plan administration.
AON-PRIV-00339	Confidential email providing legal advice from in-house counsel Jim Flynn, Esq. regarding 401(k) plan design.	This document reflects legal advice regarding [REDACTED] Such advice sought regarding the scope of AHIC's services is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01745	Confidential email containing legal advice from in-house counsel Susan Haery, Esq. regarding pending ERISA litigation.	This document was inadvertently designated as "regarding pending ERISA litigation." This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01799	Confidential email containing legal advice from in-house counsel Susan Haery, Esq. regarding pending ERISA litigation.	This document was inadvertently designated as "regarding pending ERISA litigation." This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.

AON-PRIV-01800	Confidential email containing legal advice from in-house counsel Susan Haery, Esq. regarding pending ERISA litigation.	This document was inadvertently designated as "regarding pending ERISA litigation." This document reflects legal advice regarding [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
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Exhibit D

Withheld emails for which the Privilege Basis is "ERISA case law"

Privilege Log Number	Privilege Basis	Notes
AON-PRIV-00542	Confidential email containing legal advice from in-house counsel Ted Novy, Esq. regarding recent developments in ERISA case law.	This document reflects ERISA-related legal advice [REDACTED] [REDACTED] Such material is not sought in a fiduciary capacity to the Plan and does not involve Plan administration.
AON-PRIV-01763	Confidential email containing legal advice from in-house counsel Cindy Milstead, Esq. regarding recent developments in ERISA case law.	This document reflects legal advice regarding [REDACTED] [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01796	Confidential email requesting legal advice from in-house counsel Susan Haery, Esq. and Ted Novy, Esq. regarding recent developments in ERISA case law.	This document requests ERISA-related legal advice [REDACTED] [REDACTED]. Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.
AON-PRIV-01952	Confidential email requesting legal advice from in-house counsel Cindy Milstead, Esq. regarding recent developments in ERISA case law.	This document requests legal advice regarding [REDACTED] [REDACTED] Such material is not discussed in relation to the Plan and is sought neither in a fiduciary capacity to the Plan nor for the Plan's benefit. The material does not involve Plan administration.